



Attorney Docket No.: 2000-1220-RA
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.: 09/644,389

Filed: 08/23/00

Inventor: KACHNIC, et al.

For: PART-FORMING MACHINE CONTROLLER
HAVING INTEGRATED SENSORY AND
ELECTRONICS AND METHOD THEREOF

Examiner: Cabrera, Zoila E.

Art Unit: 2121

Technology Center 2100

JAN 14 2002

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**APPLICANT'S SHOWING UNDER 37 C.F.R. 1.132
TO SHOW COMMON OWNERSHIP AND INVENTORSHIP**

Assistant Commissioner for Patents
Washington, D.C. 20231

October 23, 2001

Sir:

With regard to the above referenced Non-Provisional Application Serial No. 09/644,389, filed August 23, 2000, which claims benefit of a previously filed Provisional Application Serial No. 60/212,518, filed June 19, 2000, Applicant hereby submits evidence in the form of an affidavit of objective evidence of common ownership and inventorship. In summary, the evidence shows that Applicant's invention has common ownership and inventorship with U.S. Patent No. 5,928,578 and that any invention disclosed therein is derived from the present assignees and inventors and thus, is not an invention "by another."

The Evidence Pursuant to 1.132

The following affidavit is enclosed:

AFFIDAVIT OF EDWARD KACHNIC

October 23, 2001

I, Edward Kachnic, unequivocally declare that I co-invented the subject matter disclosed in U.S. Patent No. 5,928,578 and relied on in Claim Rejection (35 USC § 102) No. 2 of the outstanding Office Action mailed August 6, 2001. As such, the present invention, Application No. 09/644,389, has common inventorship with U.S. Patent No. 5,928,578 and that any invention disclosed therein is derived from the present inventors and thus, is not an invention "by another."

I, Edward Kachnic, unequivocally declare that I am the Chief Executive Office of Avalon Vision Systems, LLC, assignee of the present invention, Application No. 09/644,389, and owner of all rights assigned to Avalon Imaging, Inc., assignee of US Patent No. 5,928,578. As such, the present invention, Application No. 09/644,389 and US Patent No. 5,928,578 have common ownership, Avalon Vision Systems, LLC.


Edward Kachnic

Sworn to and subscribed before me on

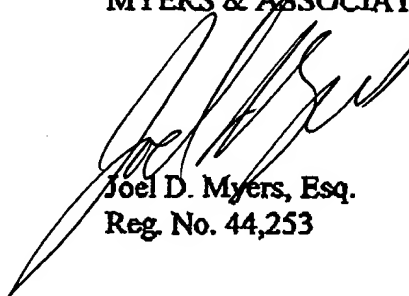
this 23 day October, 2001.

Judy E. Perry
Notary Public

Notary Public, Douglas County, Georgia
My Commission Expires Feb. 22, 2008

Applicant believes that the above evidence establishes through first hand knowledge and eyewitness that Applicant's invention clearly has common inventorship and common ownership with U.S. Patent No. 5,928,578 and that any invention disclosed therein is derived from the present inventors and owners and thus, is not an invention "by another."

Respectfully submitted,
MYERS & ASSOCIATES, P.C.


Joel D. Myers, Esq.
Reg. No. 44,253

Myers & Associates,
Intellectual Property Law, P.C.
1827 Powers Ferry Road
Building 3, Suite 200
Atlanta, GA 30339
770-541-7444
Email: myersiplaw@aol.com

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number 09/644,389
 Filing Date 08/23/00
 First Named Inventor KACHNIC, et al.
 Examiner Name Cabrera, Zoila E.
 Group Art Unit 2121
 Attorney Docket No. 2000-1220-RA

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TOTAL AMOUNT OF PAYMENT

(\$ 84.00

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
NumberDeposit
Account
Name
☐ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.
See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ -0-

2. EXTRA CLAIM FEES

Total Claims 21
 Independent Claims 6
 Multiple Dependent

Extra Claims
 -20** = 0
 -3** = 2

Fee from below
 42.

Fee Paid
 -0-
 84.00

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 84.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ -0-

SUBMITTED BY

Name (Print/Type)

Joel D. Myers

Registration No.
(Attorney/Agent)

44,253

Complete (if applicable)

Telephone

770-541-7444

Signature

Date

10-23-01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.